

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THOMAS ROGER WHITE, JR. and PATRICIA
CAULEY on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS AMERICA, INC.
and SONY ELECTRONICS INC.,

Defendants.

Civil Action No. 17-1775 (MCA) (JAD)

Document Electronically Filed

**[PROPOSED]
STIPULATION AND ORDER
REGARDING SEVERANCE UNDER
FRCP 21, CONSOLIDATION AND
SCHEDULING**

WHEREAS, this matter, having been opened to the Court jointly by the parties Defendant Samsung Electronics America, Inc. (Samsung”), by its attorneys, Gibbons P.C. and Covington & Burling LLP, Defendant Sony Electronics Inc., by its attorneys, Holland & Knight, and Plaintiffs Thomas White and Patricia Cauley, by their attorney, Mack Press, Esq., for the entry of this Order Regarding Severance Under FRCP 21, Consolidation and Scheduling;

WHEREAS, on May 22, 2020, Defendant Sony Electronics Inc. filed a Motion to Sever under Federal Rule Civil Procedure 21, ECF Nos. 141 and 142;

WHEREAS, Plaintiffs’ counsel has advised that Plaintiffs do not oppose Sony’s Motion to Sever;

WHEREAS, Defendant Sony Electronics Inc. filed a Motion to Compel Individual Arbitration (Non-Class) Arbitration and/or Dismiss for Lack of Jurisdiction, ECF Nos. 138, 140;

WHEREAS, Defendant Samsung filed a Motion to Compel Individual Arbitration and Strike Plaintiffs’ Class Claims, ECF No. 143;

WHEREAS, Plaintiffs' counsel informed Defendants that Plaintiffs required additional time in order to respond to the Defendants' Motions to Compel Individual Arbitration, and Defendants have consented;

WHEREAS, the parties previously agreed to an initial discovery plan in light of the pending Motions to Compel Individual Arbitration and that Plaintiffs' Opposition to the Defendants' Motions To Compel Individual Arbitration would be due to be filed, by July 27, 2020;

WHEREAS, the parties have met and conferred regarding the pending motions and the continued proceedings in this matter and have reached an agreement on the motion to sever and the further scheduling in this matter, as set forth in this proposed Stipulation And Order which shall supersede the stipulation previously submitted as ECF No. 146; and good cause having been shown:

IT IS on this ____ day of _____, 2020;

ORDERED that Defendant Sony Electronics Inc.'s Motion to Sever under Federal Rule Civil Procedure 21, ECF Nos. 141 and 142, is hereby **GRANTED**, and Plaintiffs' claims against Defendant Sony Electronics Inc. shall be severed from their claims against Defendant Samsung for purposes of trial;

AND IT IS FURTHER ORDERED that Plaintiffs' claims against Defendant Sony Electronics Inc. and Defendant Samsung shall proceed under the current docket number with the now-severed actions being treated as if consolidated under FRCP 42 for case management purposes only, to be modified, if needed, based upon the District Court's decisions on the pending Motions To Compel Individual Arbitration;

AND IT IS FURTHER ORDERED that the briefing schedule for the Defendants' Motions To Compel Individual Arbitration shall be extended for two additional weeks so that Plaintiffs'

Opposition shall be filed by August 10, 2020, and Defendants' Replies in support of their respective motions to compel arbitration shall be filed no later than September 8, 2020;

AND IT IS FURTHER ORDERED that the Magistrate Judge will hold a telephonic status conference with the parties during the week of September 8, 2020, subject to the Court's convenience, to discuss the initial discovery plan in light of the Pending Motions.

AND IT IS FURTHER ORDERED that pending that telephonic status conference, the parties agree that (1) the tentative last day for parties to exchange initial disclosures, limited to Plaintiffs' individual claims, shall be September 25, 2020, and (2) the tentative date when parties may serve written discovery, limited to Plaintiffs' individual claims, shall be October 9, 2020.

The Parties hereby agree to the form and entry of this Stipulation and Order:

By: s/ Mack Press

MACK PRESS

mackpress@yahoo.com

mack@mackpress.com

THE MACK FIRM

18 Watergate Lane

Patchogue, NY 11772

Telephone: (516) 330-7213

Attorney for Plaintiffs Thomas White and Patricia Cauley

By: s/ Michael R. McDonald

MICHAEL R. MCDONALD
mmcdonald@gibbonslaw.com
KATE ELIZABETH JANUKOWICZ
kjanukowicz@gibbonslaw.com
GIBBONS P.C.
One Gateway Center
Newark, NJ 07102
Telephone: (973) 596-4500

ERIC C. BOSSET (*pro hac vice*)
ebosset@cov.com
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, NW
Washington, D.C. 20001
Telephone: (202) 662-6000

SIMON J. FRANKEL (*pro hac vice*)
sfrankel@cov.com
COVINGTON & BURLING LLP
One Front Street, 35th Floor
San Francisco, CA 94102
Telephone: (415) 591-6000

Attorneys for Defendant
SAMSUNG ELECTRONICS
AMERICA, INC.

IT IS SO ORDERED.

Dated: _____

By: s/ Mark S. Melodia

MARK S. MELODIA
mark.melodia@hklaw.com
HOLLAND & KNIGHT LLP
31 West 52nd Street
New York, NY 10019
Telephone: (212)-513-3200

PAUL J. BOND
paul.bond@hklaw.com
HOLLAND & KNIGHT LLP
2929 Arch Street
Suite 800
Philadelphia, PA 19104
Tel: (212) 513-3200

Attorneys for Defendant
SONY ELECTRONICS
CORPORATION

Magistrate Judge Joseph A. Dickson
United States Magistrate Judge